

13  
Claim 14. (New) The device of claim 1 in which the insulator is supported by the support member and the conductive member is supported by the insulator.

REMARKS

Claims 1-14 are pending in the above-identified application.  
Claims 1 and 3 are independent claims.

In the above-identified Office Action, all of the claims of the above-identified application were rejected under 35 USC 103 as being obvious over U.S. Patent No. 6,071,281 to Burnside in view of U.S. Patent No. 5,680,860 to Imran. In the Office Action, the Examiner stated that Burnside disclosed all of the features of the subject matter with the exception of gold-plated copper and the specific length and width of the electrodes as set forth in claims 2 and 4. The Examiner relied on the Imran for showing the use of gold-plated copper as an electrode material and stated that it would have been obvious to one having ordinary skill at the time of the invention to form an electrode according to the dimensions as claimed.

In response to the Office Action, the pending claims have been amended to point out that each jaw has at least three distinct members, an elongated rigid support member, the elongated conductive ablation member of the respective jaw (which has been substituted for electrode) and an insulator between them. Such features are fully supported by the specification and clearly shown, for example, in Figure 5. Figure 5 is a cross-sectional

view showing a carbon fiber member 13 (a support member), insulating material 14 and conductive strip 15. These features of the present invention are described, for example, at Page 19, in Paragraph 97 in the present application.

Neither of the cited references discloses or suggests the claimed device. The apparatus that appears in U.S. Patent No. 6,071,281 to Burnside has a much different structure and function. For example, with reference to Figures 79 and 80 (which were relied upon in an Office Action in a related application), the Examiner will see that the electrode 294 differs in at least two significant respects from the present claims. Importantly, the electrode 294, as best seen in Figure 79, is basically as wide as the entire jaw to provide maximum thermal effect to weld tissue together. Formation of ablation lines only, without welding tissue together, is actually contrary to the teaching of Burnside relative to the device in Figures 78-80 (Col. 45, lines 41-45).

In addition, it may be seen in Figure 8 that the jaws in the Burnside device has a plurality of short, wide spaced-apart cauterizing electrode segments. This is in contrast to the elongated conductive ablation member that is associated with each jaw of the present claimed invention.

Further, there is no showing of an ablation device with the distinct support, insulator and elongated conductive element features as set forth in the amended claims.

The Imran patent was cited principally for the gold-plated copper feature and also does not show or suggest the claimed invention as set forth in the amended claims. Imran does not supply any of the missing features absent from the '281 Burnside patent, and it is respectfully submitted that the claimed subject matter is not disclosed or obvious in view either the '281 Burnside patent or the '860 Imran patent.

New dependent claims 5-14 add further features to the claimed subject matter not shown or suggested in the cited art. For all the reasons set forth above, these claims are also patentable over the prior art.

#### CONCLUSION

For the above reasons, it is respectfully that claims 1-14 are not anticipated or rendered obvious by the cited references, and reconsideration and allowance of these claims is respectfully requested.

Respectfully submitted,

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MARKED UP VERSION OF CLAIMS SHOWING CHANGES

1. (Amended) A device for clamping and ablating cardiac tissue comprising:

a first handle member;

a second handle;

first and second mating jaw members associated with the first and second handle members, the jaw members being movable by the handle members between a first open position and a second clamped position, the jaw members having opposed facing mating surfaces;

a first elongated ~~electrode comprising a layer of gold-plated copper extending along~~ conductive ablation member carried by the first jaw member;

a second elongated ~~electrode comprising a layer of gold-plated copper extending along~~ conductive ablation member carried by the second jaw member;

the first and second electrodes being adapted to be connected to an RF energy source so that, ~~when activated, the first and second electrodes are of opposite polarity~~, each jaw comprising at least three distinct elements, an elongated support member, the first or second elongated conductive member, and an insulator disposed between the conductive member and the support member.

3. (Amended) A tissue grasping and ablation apparatus comprising:

first and second grasping jaws, the grasping jaws being relatively moveable between open and closed positions; each jaw

including ~~an electrode comprising a layer of gold-plated copper~~ a conductive ablation member and a clamping surface in face-to-face relation with the ~~electrode~~ conductive ablation member and clamping surface of the other jaw; the clamping surfaces of the jaws comprising an insulating material and the face-to-face ~~electrodes~~ ablation members being ~~of opposite polarity and connectible to a~~ an electrical power source ~~for providing an electrical current between the electrodes;~~

each jaw comprising at least three distinct elements, an elongated support member, the first or second elongated conductive member, and an insulator disposed between the conductive member and the support member;

whereby when tissue is grasped between said clamping surfaces, the ~~electrodes~~ ablation members are ~~substantially entirely contacted by~~ operable to conduct current through the tissue.